

California Regional Water Quality Control Board  
North Coast Region

CLEANUP AND ABATEMENT ORDER NO. R1-2006-0090  
And  
REQUIREMENT FOR TECHNICAL REPORTS

For

GUALALA COMMUNITY SERVICES DISTRICT

Mendocino and Sonoma Counties

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Gualala Community Services District (hereinafter the Discharger or Gualala CSD) owns and operates wastewater collection, treatment, and disposal facilities that serve the community of Gualala and provides advanced treatment of wastewater for the Sea Ranch North Wastewater Treatment Facility (WWTF). The Gualala CSD WWTF is located east of Highway 1 at the north end of the Sea Ranch.
2. The Regional Water Board adopted Waste Discharge Requirements Order No. 92-120 (Order No. 92-120) for the Discharger on September 24, 1992. Order No. 92-120 authorizes the Discharger to treat up to 0.131 million gallons per day (average dry weather flow) of wastewater from the Gualala service district and the Sea Ranch North WWTF and discharge the advanced treated wastewater to storage ponds prior to reclamation through irrigation at the Sea Ranch Golf Links. Order No. 92-120 does not authorize a discharge of wastewater from the Gualala CSD to the percolation pond at the Sea Ranch Golf Links.
3. On January 27, 1994, the Regional Water Board adopted Waste Discharge Requirements Order No. 94-4 (Order No. 94-4) for the Sonoma County Service Area #6, Sea Ranch North Wastewater Treatment and Disposal Facilities. Sonoma County Service Area #6, Sea Ranch North Wastewater Treatment and Disposal Facilities is currently owned and operated by the Sonoma County Water Agency (SCWA). Order No. 94-4 authorizes the SCWA to treat up to 0.16 million gallons per day of wastewater to secondary effluent standards and store treated wastewater in its 8.4 million gallon storage pond prior to the transfer of the treated wastewater to the Gualala CSD WWTF. Under specific conditions, the SCWA may discharge treated wastewater from the Sea Ranch North WWTF to the percolation pond located on the Sea Ranch Golf Links.
4. The Regional Water Board adopted Waste Discharge Requirements Order No. 92-121 (Order No. 92-121) for the Gualala CSD and the Sea Ranch Village, Inc., Sea Ranch Golf Links on September 24, 1992. Order No. 92-121 authorizes the Sea Ranch Golf Links to beneficially reuse all of the reclaimed water produced by the Gualala CSD under conditions of Order No. 92-120 for the Gualala CSD, provided that the use of reclaimed water does not result in unreasonable waste of water and does not create a condition of pollution or nuisance.
5. On July 1, 1991, the Gualala CSD, the County of Sonoma, and the Sea Ranch Golf Links entered into a contractual agreement that defines each entity's responsibility with regard to wastewater transfer, treatment, storage, and disposal. The Regional Water

Board is not a party to this contractual agreement, and the terms, conditions and obligations of the applicable Regional Board Orders described above are not modified, restricted, or amended in any way by this contractual agreement. Many of the terms and conditions of this contractual agreement are currently in dispute.

6. On August 3, 2006, Regional Water Board staff attended a meeting with representatives from the Gualala CSD, the Sea Ranch Association, the County of Sonoma, the SCWA, and the Sea Ranch Golf Links. The dispute between the permitted entities over the contractual agreement has led to a situation where the Gualala CSD has accumulated and continues to accumulate water in its storage ponds in amounts that threatens to cause serious future permit violations with the potential for significant impacts to water quality and public health unless immediate steps are taken.
7. Portions of Waste Discharge Requirements Order No. 92-120 that currently are being violated or threaten to be violated are as follows:

"A. DISCHARGE SPECIFICATIONS

- "1. The discharge of waste to land that is not under the control of the discharger is prohibited, except as authorized under C. Solids Disposal."
- "3. Creation of a pollution, contamination, or nuisance, as defined by section 13050 of the California Water Code (CWC), is prohibited. [Health and Safety Code, section 5411]"
- "4. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited."
- "5. The discharge of waste from the Gualala Community Services District Wastewater Treatment and Disposal Facilities to the Gualala River and its tributaries or the Pacific Ocean and its tributaries is prohibited."

"B. DISCHARGE SPECIFICATIONS

- "3. The Discharge shall not impart taste, odor, or color to areal groundwater."

"D. PROVISIONS

- "3. The discharger must maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements."
- "7. The discharger shall comply with the Contingency Planning and Notification Requirements No. 74-151 and the Monitoring and Reporting Program No. 92-120 and any modifications to this document as specified by the Executive Officer."

8. The Discharger has caused or permitted or threatens to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of inadequately treated wastes could unreasonably affect water quality in that the discharge or threatened discharge is deleterious to beneficial uses of State waters, and could impair water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
9. This Cleanup and Abatement Order is an enforcement action by a regulatory agency being taken for the protection of the environment and is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, Section 21000 et seq.) in accordance with California Code of Regulations, Title 14, Sections 15308 and 15321.
10. The Regional Water Board reserves the right to take any enforcement action authorized by law. Violations of this Cleanup and Abatement Order may trigger further enforcement actions in the form of Administrative Civil Liabilities in accordance with California Water Code (CWC) Sections 13268 and 13350, a Time Schedule Order under CWC Section 13308, or referral to the Attorney General for injunctive relief or monetary remedies.
11. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Water Board must receive the petition within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13267(b) and 13304, the Discharger shall abate the above-described discharges of waste and threatened discharges of waste to surface waters in accordance with the following:

1. Without delay, but no later than August 18, 2004, the Discharger shall take all necessary actions to ensure that adequate wastewater storage is available in order to preclude any unauthorized discharge of wastewater to land or surface waters. Actions undertaken by the Discharger may include, but not be limited to, drawing down storage ponds in a manner that is consistent with Order No. 92-120, Order No. 92-121 and the Basin Plan, and implementation of water conservation activities within the Gualala service area.
2. Beginning August 25, 2006, and each Friday thereafter, the Discharger shall submit weekly, written status reports describing the progress towards completion of the requirement set forth under Provision 1 above.

3. By December 1, 2006, the Discharger shall submit a long-term plan to ensure that adequate wastewater storage is available in order to preclude any unauthorized discharge of wastewater to land or surface waters. At a minimum, the long-term plan will include a water balance prepared by a licensed civil engineer that clearly demonstrates that the long-term solution will resolve the Discharger's current storage capacity and water balance problems, and result in permit compliance.
4. If, for any reason, the Discharger is unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the Discharger may request, in writing, an extension of the time as specified. The extension request shall include justification for the delay. An extension may be granted for good cause, in which case this Order will be accordingly revised in writing.

Ordered by Catherine Kuhlman  
Catherine E. Kuhlman  
Executive Officer

August 11, 2006